CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

DECEMBER 21, 2010

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:00 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino

PUBLIC COMMENT:
There were none at this time.

RECESS:
Mayor Lavagnino recessed to a Closed Session at 6:02 p.m. for Public Employee Performance Evaluations pursuant to Subsection (e) of Government Code 54957 and Conference with Labor Negotiator pursuant to Government Code Section 54957.6, Agency Representative: Mayor; Title: City Manager and City Attorney.

RECONVENE:
Mayor Lavagnino reconvened the Regular City Council meeting at 6:30 p.m.

CLOSED SESSION REPORT:
Mayor Lavagnino reported on the action taken in the Closed Session:

Public Employee Performance Evaluations and Conference with Labor Negotiator, City Manager and City Attorney – Annual appraisals were provided.

INVOCATION:
Director of Community Development Appel gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Zacarías led the Pledge of Allegiance.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino

STAFF MEMBERS PRESENT
City Manager Ness, Assistant City Manager Haydon, City Attorney Trujillo, Fire Chief Jones, Director of Public Works/City Engineer Whitehead, Director of Utilities Sweet, Police Chief Macagni, Director of Community Development Appel, Director of Administrative Services Visé, Recreation Supervisor Smitherman, Facility Specialist Fuentes, City Clerk Rodriguez, and Deputy City Clerk Garietz.

ANNOUNCEMENTS
City Manager gave a report on storm activity over the past few days. He indicated that from December 16 to December 21, the City received 7.15 inches of rain, placing the rainfall at 348 percent of normal to date. The City normally receives about 14 inches of rain from September 1 to August 31. The City's storm water system performed well. Most storm water retention basins were full at the height of the storm and have drained significantly to accommodate more rain. Road closures were necessary in some areas. The weekend storm required many Utilities, Public Works and Parks staff to respond to various service requests. Police responded to local emergencies associated with the storm. Fire personnel responded to several non-injury accidents, mostly on U.S. 101, and assisted the City of Guadalupe with resident evacuations due to flooding. The Wastewater Treatment Plant was overloaded with increased infiltration of storm water into the sewer system, including rocks and debris that caused the flow to bypass critical

systems. The Parks crews responded to three downed trees. The short term weather forecast calls for 1 to 2 inches of rain over the next 24 hours; and wind speeds of approximately 25 mph, with gusts up to 37 mph. Parks crews were standing by to respond in the event more trees were downed. The Parks crews had done well over the past few years trimming the trees so fewer problems were expected. Staff had been in contact with the American Red Cross and was ready to open recreation facilities for shelter operations if necessary. Overall, we handled the record amounts of rainfall very well in comparison to some other jurisdictions on the Central Coast. Having addressed some of the problem areas over the past 10 to 15 years was now paying dividends.

Mayor Lavagnino announced that an interpreter was available.

CERTIFICATE OF CANVASS OF GENERAL MUNICIPAL ELECTION.
Deputy City Clerk Garietz gave the staff report. The City of Santa Maria consolidated its General Municipal Election held on November 2, 2010, with the Statewide General Election conducted by the County of Santa Barbara Elections Division. On November 30, 2010, County Clerk-Recorder Joseph Holland certified the election results that included two members of the City Council. Based on the certified election results, Councilmember Alice Patino was re-elected for another four-year term and Jack Boysen was elected as a new member of the City Council for a four-year term. The County Clerk-Recorder's Certificate of Election Results of the Official Canvass must be accepted by the City Council.

Resolution No. 2010-135, accepting the County Clerk's Certificate of Election Results of the Official Canvas, was adopted on motion by Councilmember Cordero, seconded by Councilmember Zacarías, and carried on the following vote:

AYES:	Councilmembers Cordero, Orach, Patino, Zacarias, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2010-135 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 2, 2010, IN CONJUNCTION WITH THE STATEWIDE GENERAL ELECTION AND ACCEPTING COUNTY CLERK'S CERTIFICATE – RESULTS OF THE OFFICIAL CANVASS.

Outgoing Councilmember Zacarías commented that building a city is about building a community, which can be quite a challenge. One challenge was the way we speak to one another. When she began her term, she was able to say her thanks in English and Spanish, and would share her outgoing comments in Spanish as well. She said that language was about bringing people together. It was her wish that this community would use its words to build, not divide, and to praise, not condemn. She was appreciative of being a part of the Neighborhood Project and Future Search regarding issues of youth violence. She congratulated Councilmember Patino and new Councilmember Boysen, wishing them a good journey.

Mayor Lavagnino stated that he had had some trepidation when she first came on the Council, but has learned that she is a lovely person with great compassion for everyone, no matter what their station in life was. She was a joy to work with and he would miss her. He thanked her for her service.

Councilmember Cordero said that she was a tremendous help to him when he first came on the Council with making the transition from his law enforcement career to being a Councilmember. He appreciated her help. He would miss her, but looked forward to being involved with her in the future on committees within the community.

Councilmember Patino commented that Councilmember Zacarias had brought a great dimension to the Council. She appreciated having another woman on the Council who understood issues similarly with respect to service, children, and family, and thanked her for her service.

Councilmember Orach commented on her service to the City of Santa Maria, the County, and the region, with her recent Assembly seat bid, and called her an outstanding citizen. He said it had been a pleasure to serve with her, but knows that she will still be around to provide ideas to the City and the County.

City Clerk Rodriguez then administered the Oath of Office to Councilmember Alice Patino and presented her with a Certificate of Election.

Supervisor Joe Centeno administered the Oath of Office to newly elected Councilmember Jack Boysen and presented him with a Certificate of Election.

The newly elected officers were seated and given the opportunity to say a few words.

Councilmember Patino commented that is was a humbling experience to be re-elected to the City Council, and to know that there were people who agreed with her position and have the confidence in her to serve another term. She appreciated being on a Council that conducted itself with civility and respect for one another. She thanked the people of Santa Maria for their continued support, and introduced her family.

Councilmember Boysen said that it was an honor to be sworn in as a member of the City Council, and receiving the oath from Supervisor Joe Centeno made it even more special. He thanked Supervisor Centeno, who gave him his start in the political process, and said he would strive to live up to the confidence that he had in him. He thanked the employees of the City for their support during his campaign, and said he knew how hard they worked to deliver the highest level of service. He promised to bear that in mind with every decision that he made as a Councilmember. He thanked many others who helped with his campaign by walking precincts and posting signs, managing campaign finances, and offering advice and expertise. He also recognized his father and mother who were present; and his wife, Kathy, who believed in him from the beginning. He thanked the community and the voters of Santa Maria who have entrusted him with the responsibility. He introduced his family.

At 6:50 p.m. Mayor Lavagnino called a short recess for a reception to recognize and meet the newly elected officers.

Mayor Lavagnino reconvened the City Council meeting at 7:10 p.m. to continue with the regular agenda.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino

LIGHTS, SIGHTS, AND HOLIDAY NIGHTS
Recreation Supervisor Smitherman announced the winners of the 2010 "Lights, Sights, and Holiday Nights Holiday Decoration Contest," and Recreation & Parks Commissioner Spry presented awards to those who were present. The City was divided into four quadrants in order to award a Best Residence and a Best Display Utilizing Energy Efficient Product to each section of town. This year's winners were:

Lifetime of Achievement Winners
Larry and Michelle Iliff – 917 North Beth Court
Michael B. Clayton and Associates Attorney at Law – 400 East Orange Street

Best Decorated Residence (4 quadrants)

South East Quadrant	Robert and Glynda Dias	670 East Newlove Drive
South West Quadrant	Jose Salinas	225 South Oakley Avenue
North West Quadrant	James and Diane Alexander	1027 West El Camino Street
North East Quadrant	Earl, Donna, and Tyler Thacker	1749 North Vine Street

Best Display Utilizing Energy Efficient Product (4 quadrants)

South East Quadrant	Stegall Residence	1832 Sequoia Drive
South West Quadrant	Vern and Kerrie Guerrero	2423 Wailea Court
North West Quadrant	Marilyn Pike	519 West Taylor – Space 249
North East Quadrant	John Hindle	1030 Cortez Drive

Best Decorated Business
Marian Medical Center – 1400 East Church Street
*Utilized environmentally friendly materials

Most Inspirational
Bob and Stephanie Melena – 1324 Valley Oak Place

Most Nostalgic
Robert and Sandra Dickerson – 104 Palm Court Drive

Neighborhood Spirit
Larry Stewart – 330 South Scott Drive

Award of Excellence Winners
Ron Wulfing – 512 North College Drive
Isidro and Anjanette Ordonez – 847 Firefox Drive
Tom and Linda Emery – 202 N. Palisade Drive
The Vea Residence – 476 South Palisade Drive
Romeo and Minda Aguinaldo – 2436 Rolling Green Drive
Tasha and Lou Mendez – 1030 De Soto Drive
Zachary Daniels – 1020 South Western Avenue
The Martinez Residence – 1041 De Gamma Drive
James Alexander – 1324 Marie Court
The Corpuz Residence – 211 Gatewood Way
Richard and Barbara Granville – 1844 North Miller Street
Robert Robledo – 1532 Monica Court

Recreation Supervisor Smitherman thanked the judges and sponsors.

VOLUNTEERS OF THE MONTH
Councilmember Patino presented a gift to Recreation and Parks Volunteers of the Month for December 2010, Jonathan Araya, Alyssa Berry, Esther Castillo, Inhwan Chang, Maria Luisa Godinez, Heejin Kim, Tim Nicolazzi, Diana Perez, Andrea Ramos, Joseph M. Rocco, Angel Rodriguez, Daniel Santa Cruz, Adela Swinson and Ruben Ramirez, for their dedication and commitment as Mentors of the Police Activities League Mentor Program supporting, encouraging, and mentoring the "high risk" youth of the Santa Maria Valley.

PUBLIC COMMENT
There were no requests to speak.

CONSENT CALENDAR
Consent Calendar Items A through L were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of December 7, 2010, were approved as submitted.

C. E-VERIFY
Staff was directed to continue the use of E-Verify to confirm eligibility for work when hiring new City employees.

D. VOLUNTARY TIME OFF (VTO) PROGRAM
Resolution No. 2010-136 was adopted extending the designated period of economic hardship through December 31, 2011, and authorizing the City Manager to continue implementation of the Voluntary Time Off (VTO) Program.

Resolution No. 2010-136 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, EXTENDING THE DESIGNATED PERIOD OF ECONOMIC HARDSHIP AND VOLUNTARY TIME OFF (VTO) PROGRAM THROUGH CALENDAR YEAR 2011.

E. SALARY CONCESSIONS FOR PLANNING COMMISSIONERS, RECREATION & PARKS COMMISSIONERS AND CITY COUNCIL MEMBERS
Resolution No. 2010-137 was adopted extending salary concessions for Planning Commissioners and Recreation and Parks Commissioners for the 2011 Calendar Year.

Resolution No. 2010-137 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, SETTING COMPENSATION FOR PLANNING COMMISSIONERS AND RECREATION & PARKS COMMISSIONERS.

Resolution No. 2010-138 was adopted extending salary concessions for City Council Members for the 2011 Calendar Year.

Resolution No. 2010-138 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, PROVIDING CITY COUNCILMEMBERS THE OPPORTUNITY TO CONTINUE TO VOLUNTARILY CONCEDE FIVE PERCENT SALARY CONCESSIONS DURING THE 2011 CALENDAR YEAR.

F. WARRANTS
Warrant Nos. 163175 to 163307 totaling $1,211,352.45 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 162489 and 163149 were cancelled.

G. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

H. ORDINANCE NO. 2010-15
Second reading of Ordinance No. 2010-15 was conducted by title only establishing a definition of agriculture use, and the ordinance was adopted.

Ordinance No. 2010-15 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 12-2 OF THE SANTA MARIA MUNICIPAL CODE, ESTABLISHING A DEFINITION OF AGRICULTURAL USE.

I. BUILDING CODE EFFECTIVENESS GRADING SCHEDULE
Council received a report on the City's latest Building Code Effectiveness Grading Schedule rating, and ordered it filed.

J. CLEAN AIR EXPRESS LEASE AGREEMENT
Resolution No. 2010-139 was adopted approving a lease agreement that allows the City of Santa Maria to park Clean Air Express buses at the Lompoc Municipal Airport and to lease buses from the City of Lompoc for the Clean Air Express.

Resolution No. 2010-139 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE LEASE AGREEMENT THAT ALLOWS THE CITY OF SANTA MARIA TO PARK THE CLEAN AIR EXPRESS BUSES AT THE LOMPOC MUNICIPAL AIRPORT AND TO LEASE BUSES FOR THE CLEAN AIR EXPRESS.

K. WEED ABATEMENT
Resolution No. 2010-140 was adopted approving and confirming a report of weed abatement costs for assessment purposes for additional abatement for assessment purposes and notifying the County Auditor Controller's Office of the parcel numbers and amounts due for collection on property tax bills.

Resolution No. 2010-140 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CONFIRMING REPORT OF WEED ABATEMENT COSTS FOR ASSESSMENT PURPOSES BY THE STREETS AND FACILITIES SUPERVISOR.

L. LIMITED TIME PARKING ZONES
Resolution No. 2010-141 was adopted eliminating the 2-hour limited time parking zone and establishing a 30-minute limited time parking zone from the property line at 1100 Tama Lane west 88 feet.

Resolution No. 2010-140 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ELIMINATING A 2-HOUR LIMITED TIME PARKING ZONE AND ESTABLISHING A 30-MINUTE LIMITED TIME PARKING ZONE ON TAMA LANE PURSUANT TO SECTION 7-5.14 OF THE SANTA MARIA MUNICIPAL CODE.

SPEED LIMITS
Director of Public Works/City Engineer Whitehead gave the staff report. The City Council was asked to consider a recommendation from the Traffic Committee to introduce an ordinance increasing speed limit zones in three locations based on the City's Annual Speed Survey at 1) Battles Road between Depot Street on the west and Broadway on the east from 30 miles-per-hour to 35 miles-per-hour, 2) Preisker Lane between Hidden Pines Way on the north and Broadway on the south from 35 miles-per-hour to 40 miles-per-hour, and 3) Taylor Street between Blosser Road on the west and Western Avenue on the east from 30 miles-per-hour to 35 miles-per-hour. In order for the City to establish and maintain radar enforcement speed limits other than the prima facie speed limits specified in the California Vehicle Code (CVC), an engineering and traffic study must be completed every five years. The survey of approximately 100 vehicles is used to determine the 85th percentile, also known as critical speed. The study consists of a survey of how fast the vehicles are traveling at free flow speeds, and considers other factors such as collision history, pedestrian and bicycle traffic as well. The percentile reflects what the majority of the drivers feel is a reasonable and prudent speed to drive on the road. Speed limits set at or near the 85th percentile speed provide law enforcement officers with a limit to cite drivers who do not conform. This year, 27 segment roadways were studied to meet the CVC requirements. After evaluation, 24 of the segments required no change due to conformance with existing limits or required no change with justification either set forth in the CVC or by engineering judgment. The remaining three segments are being proposed for a speed zone change due to evaluation of the study with engineering judgment.

Councilmember Cordero expressed concern with increasing the speed limit behind the elementary school on Taylor Street where children walk home from school.

Mayor Lavagnino commented that this was a new way of calculating survey speeds. In the past, the speed could be decreased to the five miles-per-hour increment below the

85th percentile speed, but now it had to be set at the nearest five miles-per-hour increment of the 85th percentile speed.

Director of Public Works Whitehead confirmed that the previous guidance was that the speed could be within five miles-per-hour of the 85th percentile. In the new guidance, the word has changed to the "nearest" five miles-per-hour increment.

Councilmember Boysen expressed concern and objection to the increased speed limit to 40 miles-per-hour on Preisker Lane. He realized that the City did not have much of a choice if we were expected to enforce the law. He felt the speed was too fast.

Director of Public Works Whitehead indicated that a change in the condition of the general area, such as the construction of the new fire station, would warrant review of the speed survey. The speed limit would be revisited after it was constructed.

Councilmember Orach stated that with the current speed limit, the area couldn't be enforced with radar. He said that was the issue on Bradley Road with motor officers pursing speeders going to Hancock College.

Ordinance No. 2010-16 setting various speed limits was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2010-16 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 7-4, SPEED LIMITS, OF THE SANTA MARIA MUNICIPAL CODE.

NOMINATION AND ELECTION OF MAYOR PRO TEM

The Mayor introduced this item. The City Council will entertain nominations from the Mayor for the position of Mayor Pro Tem for a one-year term.

Mayor Lavagnino nominated Councilmember Patino to be Mayor Pro Tem for 2011. Councilmember Cordero seconded the motion. The nomination was ratified on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

CITY MANAGER'S REPORT

City Manager Ness reported on anticipated items for the January 4, 2011, City Council meeting including a Closed Session, several retirement resolutions, and an agreement for snack bar concessions at the new Transit Center. Appointments to various boards will be on January 18.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Cordero attended the Ben Heighes show, the DARE Graduation at the Elks Lodge, and the Bring Our Community Home, 10-year Plan to End Homelessness meeting in Solvang.

Councilmember Orach commented that between working and being sick last week, he had nothing to report.

Mayor Lavagnino attended the quarterly Schools meeting at Delta High School, an Ethics Training workshop, a high school fundraiser at the Toyota of Santa Maria

showroom, the ice skating kick-off at Town Center East, the Orcutt Sports Commission meeting, SBCAG and APCD meetings in Santa Barbara, and presented the United Way check from the employees of the City of Santa Maria who raised $23,500.

Councilmember Patino attended the Ethics Training workshop, the retirement party at AJ Spurs for Ron Rodriguez, memorial services for Ted Scott at the Elks Lodge, the Town Center Gallery reception, and the funeral services for Mike Buontempo in Guadalupe.

Councilmember Boysen commented that he had been trying to meet as many people as he could, as well as attend as many committee meetings and study sessions as he could. He is excited about moving forward and being a part of the team.

CLOSED SESSION:
Council recessed to a Closed Session at 8:50 p.m. for Conference with Legal Counsel - Existing Litigation pursuant to Subdivision (a) of Government Code Section 54956.9 to discuss Gregory Carroll v. City of Santa Maria, et. al. Case No. CV 0907336; and Conference with Labor Negotiators pursuant to Section 54957.6 of the Government Code: Agency Representative: Assistant City Manager, Employee Organizations: Santa Maria Police Officers Assoc. (SMPOA); Service Employees International Union (SEIU) Local 620; Fire Fighters Local 2020; Public Safety Managers; and Non-Represented Management and Confidential Employees.

After the Closed Session, the following report was given:

Conference with Legal Counsel – Gregory Carroll v. City of Santa Maria, et. al., Case No. CV 0907336 – Direction to staff was given.

Conference with Labor Negotiator - Santa Maria Police Officers Assoc. (SMPOA); Service Employees International Union (SEIU) Local 620; Fire Fighters Local 2020; Public Safety Managers; and Non-Represented Management and Confidential Employees – Direction to staff was given.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 7:35 p.m.

APPROVED

January 4, 2011
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor of the City of Santa Maria